IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

WP(C).No. 20813 of 2007(C)

PETITIONERS:
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1. NALINI, W/O.VELAYUDHAN, VIDHI NILAYAM, KANAKKANKAD, PANANGATTIRI POST, KOLLENGODE, CHITTUR TALUK, PALAKKAD.

2. VELAYUDHAN, VIDHI NILAYAM, KANAKKANKAD, PANANGATTIRI POST, KOLLENGODE, CHITTUR TALUK, PALAKKAD.

BY ADV. SRI.P.R.VENKETESH

RESPONDENTS:
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1. THE KERALA STATE BACKWARD CLASSES DEVELOPMENT CORPORATION LTD. TC 15/25, PANKAJ, VELLAYAMBALAM, SASTHAMANGALAM, THIRUVANANTHAPURAM- 10 REPRESENTED BY ITS MANAGING DIRECTOR.

2. THE DISTRICT MANAGER, THE KERALA STATE BACKWARD CLASSES DEVELOPMENT CORPORATION LTD., NINANS COMPLEX, METTUPALAYAM STREET, PALAKKAD.

3. THE DY.TAHSILDAR, REVENUE RECOVERY, CHITTUR TALUK, PALAKKAD.

4. KERALA STATE ROAD TRANSPORT CORPORATION, REPRESENTED BY ITS MANAGING DIRECTOR, TRANSPORT BHAVAN, THIRUVANANTHAPURAM.

BY ADV. SRI.C.S.MANILAL, SC, KSBCDC
SRI.JOHNSON P.JOHN, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.20813/07

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE ORDER DATED 27.5.97 ISSUED BY THE 1ST RESPONDENT.

EXT.P2(a) TRUE COPY OF THE RECEIPT DATED 15.11.1997

EXT.P2(b) TRUE COPY OF THE RECEIPT DATED 12.12.1997.

EXT.P2(c) TRUE COPY OF THE RECEIPT DATED 19.1.1998.

EXT.P2(d) TRUE COPY OF THE RECEIPT DATED 26.2.1998

EXT.P2(e) TRUE COPY OF THE RECEIPT DATED 11.3.1998.

EXT.P2(f) TRUE COPY OF THE RECEIPT DATED 9.4.1998.

EXT.P2(g) TRUE COPY OF THE RECEIPT DATED 25.5.1998.

EXT.P2(h) TRUE COPY OF THE RECEIPT DATED 16.7.1998

EXT.P3: TRUE COPY OF THE RECEIPT DATED 7.7.2000.

EXT.P4: TRUE COPY OF THE RECEIPT DATED 25.9.2000.

EXT.P5: TRUE COPY OF THE RECEIPT DATED 3.2.2001.

EXT.P6(a): TRUE COPY OF THE CERTIFICATE DT.15.1.2007 ISSUED BY THE DTO. KSRTC, PALAKKAD.

EXT.P6(b): TRUE COPY OF THE CERTIFICATE DATED 12.1.2007 ISSUED BY THE ATO, KSRTC, CHITTUR.

EXT.P7: TRUE COPY OF THE NOTICE DT.18.8.2001.

EXT.P8: TRUE COPY OF THE NOTICE DT.19.12.2005.

EXT.P9: TRUE COPY OF THE LETTER DT.20.12.2006 SUBMITTED BY THE 1ST PETITIONER TO THE 2ND RESPONDENT.

EXT.P10: TRUE COPY OF THE NOTICE DT.1.1.2007.

EXT.P11: TRUE COPY OF THE RR NOTICE DT.15.3.2007.

EXT.P12: TRUE COPY OF the REPRESENTATION DT.10.4.2007.

//TRUE COPY//

P.A. TO JUDGE

ANTONY DOMINIC, J.
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W.P.(C) NO. 20813 OF 2007 C
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Dated this the 14th day of December, 2007

J U D G M E N T

The contention of the petitioner is that much more than what is due to the 1st and 2nd respondents have been paid and that despite this, revenue recovery action has been initiated against her. It is seen that the petitioner has raised this very complaint in Ext.P9, which has been made to the 2nd respondent. If that be so, it is for the 2nd respondent to consider the claim of the petitioner and pass appropriate order on the representation.

2. Therefore, I direct that the 2nd respondent shall consider Ext.P9 and take appropriate decision on the matter. This shall be done with notice to the petitioners.

3. Coming to the revenue recovery proceedings that are initiated for recovery of the alleged dues to the respondents 1 and 2, I feel that pending decision on Ext.P9, further proceedings pursuant to Ext.P11 should be deferred.

4. Accordingly, it is directed that all further proceedings

pursuant to Ext.P11 will stand deferred until orders are passed on Ext.P9 as directed above. It is directed that 2nd respondent shall take a decision on Ext.P9 as directed above within eight weeks of receipt of a copy of this judgment.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp